

ESTTA Tracking number: **ESTTA705238**

Filing date: **10/28/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	HRHH IP, LLC
Granted to Date of previous extension	10/28/2015
Address	200 Vesey Street, 11th Floor Three World Financial Center New York, NY 10281 UNITED STATES
Party who filed Extension of time to oppose	HRHH IP, LLC
Relationship to party who filed Extension of time to oppose	Information was placed in the correct "company" name field

Attorney information	Jill M. Pietrini, Esq. Sheppard Mullin Richter & Hampton LLP 1901 Avenue of the Stars, Suite 1600 Los Angeles, CA 90067 UNITED STATES jpietrini@smrh.com, ppost@smrh.com, shwang@smrh.com, mdanner@smrh.com, rwalsh@smrh.com, lmartin@smrh.com Phone:310-228-3723
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Applicant Information

Application No	86531447	Publication date	06/30/2015
Opposition Filing Date	10/28/2015	Opposition Period Ends	10/28/2015
Applicant	VNYL LLC 315 E Franklin Ave El Segundo, CA 90245 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2014/10/01 First Use In Commerce: 2014/11/01 All goods and services in the class are opposed, namely: Distributorship services in the field of vinyl records; Marketing services
Class 040. First Use: 2014/10/01 First Use In Commerce: 2014/11/01 All goods and services in the class are opposed, namely: Manufacturing services for others in the field of vinyl records

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	86473371	Application Date	12/06/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VINYL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2012/08/24 First Use In Commerce: 2012/08/24 Promoting, marketing, and advertising live musical performances and theatrical performances of others		

U.S. Application No.	86473372	Application Date	12/06/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VINYL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2012/08/24 First Use In Commerce: 2012/08/24 Arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests; nightclub services		


U.S. Application No.	86473373	Application Date	12/06/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VINYL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2012/08/24 First Use In Commerce: 2012/08/24 Bar services; restaurant services; providing general purpose facilities for concerts, comedy shows, expositions, and other events and functions		

U.S. Application No.	86473374	Application Date	12/06/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VINYL LAS VEGAS		
Design Mark			
Description of Mark	The mark consists of "VINYL LAS VEGAS" within the shape of a circle.		
Goods/Services	Class 035. First use: First Use: 2012/08/24 First Use In Commerce: 2012/08/24 Promoting, marketing, and advertising live musical performances and theatrical		

	performances of others
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U.S. Application No.	86473375	Application Date	12/06/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VINYL LAS VEGAS		
Design Mark			
Description of Mark	The mark consists of "VINYL LAS VEGAS" within the shape of a circle.		
Goods/Services	Class 041. First use: First Use: 2012/08/24 First Use In Commerce: 2012/08/24 Arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests; nightclub services		

U.S. Application No.	86473376	Application Date	12/06/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VINYL LAS VEGAS		

Design Mark	
Description of Mark	The mark consists of "VINYL LAS VEGAS" within the shape of a circle.
Goods/Services	Class 043. First use: First Use: 2012/08/24 First Use In Commerce: 2012/08/24 Bar services; restaurant services; providing general purpose facilities for concerts, comedy shows, expositions, and other events and functions

Attachments	86473371#TMSN.png(bytes) 86473372#TMSN.png(bytes) 86473373#TMSN.png(bytes) 86473374#TMSN.png(bytes) 86473375#TMSN.png(bytes) 86473376#TMSN.png(bytes) Notice of Opposition re VNYL, Class 40 - Vnyl, LLC.DOC.pdf(1501415 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jill M. Pietrini/
Name	Jill M. Pietrini, Esq.
Date	10/28/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<i>In re Matter of Application No. 86/531,447 for the mark: VNYL in Classes 35 and 40</i> HRHH IP, LLC Opposer, vs. VNYL LLC, Applicant.	Opposition No. _____ NOTICE OF OPPOSITION
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Commissioner for Trademarks
ATTN: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Commissioner:

Opposer, HRHH IP, LLC, a Delaware limited liability company, having its principal place of business at Three World Financial Center, 200 Vesey Street, 11th Floor, New York, New York 10281-1021 (“Opposer”), believes that it will be harmed by the registration of the mark VNYL as shown in U.S. Application Serial No. 86/531,447 in Classes 35 and 40 (the “Application”), and hereby opposes its registration on the following grounds:

FACTUAL BACKGROUND REGARDING THE VINYL MARK

1. Opposer HRHH IP, LLC is the entity responsible for operating the successful Vinyl nightclub and live entertainment venue at the Hard Rock Hotel in Las Vegas, Nevada, which offers stand-up comedy and music performances. Attached hereto as **Exhibit A** are true

and correct printouts from Opposer's website at <hardrockhotel.com/las-vegas-concerts/vinyl> about Opposer and the Vinyl nightclub and concert venue.

2. Opposer owns 6 federal trademark applications relating to the Vinyl nightclub and concert venue ("the VINYL Marks"). Opposer has used the VINYL Marks for a range of services. Attached as **Exhibit B** are true and correct print-outs from the Office's TESS and TSDR pages for Opposer's VINYL and VINYL LAS VEGAS & Design trademark applications. Opposer's VINYL Marks are shown below:

VINYL



3. Opposer first used its VINYL Marks for promoting, marketing, and advertising live musical performances and theatrical performances of others in Class 35, arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests; nightclub services in Class 41, and bar services; restaurant services; providing general purpose facilities for concerts, comedy shows, expositions, and other events and functions in Class 43, at least as early as August 24, 2012. Opposer's Vinyl nightclub and concert venue has received considerable media attention. Opposer has developed common law rights in its VINYL Marks, which also predate the Application.

FACTUAL BACKGROUND REGARDING THE APPLICATION

4. On February 11, 2015, Applicant VNYL LLC, a limited liability company, having an address of 315 E. Franklin Ave., El Segundo, California 90245 (hereinafter "Applicant"), filed the Application in the Office seeking registration, on an in-use basis, of VNYL for use with

distributorship services in the field of vinyl records; marketing services in Class 35, and manufacturing services for others in the field of vinyl records in Class 40. Applicant's proposed trademark is shown below:

vnyl

5. Applicant claims a date of first use of November 1, 2014 in the Application. Both the date of first use claimed and the date of filing of the Application is after Opposer's first use of its VINYL Marks and after Opposer filed its applications to register the VINYL Marks. Opposer has priority over Applicant for its VINYL Marks.

6. The Application was published for opposition in the Official Gazette on June 30, 2015. Opposer was granted extensions of time to oppose the Application.

FIRST GROUND – LIKELIHOOD OF CONFUSION

7. Opposer incorporates the allegations contained in Paragraphs 1 to 6 herein.
8. Applicant's proposed mark is confusingly similar to the VINYL Marks.
9. Applicant's mark is likely to cause confusion, mistake, or deception as to the source, origin, affiliation, association, connection, or sponsorship of Applicant's services offered under the VNYL mark with the VINYL Marks, the Vinyl nightclub and concert venue, and/or with Opposer or Opposer's activities.

SECOND GROUND – LIKELIHOOD OF DILUTION

10. Opposer incorporates the allegations contained in Paragraphs 1 to 9 herein.
11. The VINYL Marks are inherently distinctive and have acquired secondary meaning and are associated with Opposer and the services offered under the VINYL Marks. The VINYL Marks are famous within the meaning of the Federal Trademark Dilution Act. Applicant filed the Application after the VINYL Marks had become famous, and Applicant seeks to commercially use the applied-for mark VNYL.

12. Applicant's mark is likely to cause dilution of Opposer's VINYL Marks and blur the distinctiveness of Opposer's VINYL Marks.

THIRD GROUND – DESCRIPTIVENESS

13. Opposer incorporates the allegations contained in Paragraphs 1 to 12 herein.

14. Applicant's VYNL mark is merely descriptive of Applicant's services identified in the Application as the services are directed to vinyl records.

15. Applicant's VYNL mark is not inherently distinctive nor has it acquired secondary meaning.

DAMAGE TO OPPOSER

16. As a result of all of the foregoing, the maturation of the Application into a registration would cause a likelihood of confusion, mistake, or deception with Opposer and the VINYL Marks, a likelihood of association, connection or affiliation with Opposer, the services offered by Opposer under the VINYL Marks or as to the origin, sponsorship or approval by Opposer of Applicant's services or commercial activities, and a likelihood of dilution of the VINYL Marks.

17. Opposer would be damaged by the registration of the mark shown in the Application, in that such registration would give Applicant a *prima facie* exclusive right to the use of VNYL, despite the likelihood of confusion and likelihood of dilution described above and despite the descriptiveness of the mark.

///

///

PRAYER

WHEREFORE, Opposer prays that this Opposition be sustained in favor of Opposer, that the Application be rejected, and that registration of the Application be refused.

Opposer requests that the Board charge the requisite \$600 opposition filing fee, under 37 C.F.R. § 2.6(a)(17), and any additional fees as necessary to Deposit Account No. 50-5691.

Respectfully submitted,

Dated: October 28, 2015

/Jill M. Pietrini/
Jill M. Pietrini
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 Avenue of the Stars, Suite 1600
Los Angeles, California 90067-6017
(310) 228-3700
Attorneys for Opposer HRHH IP, LLC

CERTIFICATE OF SERVICE

I hereby certify that this Notice of Opposition is being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to:

VNYL LLC
315 E. Franklin Ave.
El Segundo, CA 90245-3826

on this 28th day of October, 2015.

/LaTrina A. Martin/
LaTrina A. Martin

CERTIFICATE OF E-FILING

I hereby certify that **NOTICE OF OPPOSITION** is being transmitted electronically to Commissioner of Trademarks, Attn: Trademark Trial and Appeal Board through ESTTA pursuant to 37 C.F.R. § 2.195(a), on this 28th day of October, 2015.

/LaTrina A. Martin/
LaTrina A. Martin

SMRH:473568532.1

EXHIBIT A


[STAY](#) [DINE](#) [ENTERTAINMENT](#) [GAME](#) [PARTY](#) [RELAX](#) [SHOP](#) [BACKSTAGE PASS](#) [EVENTS](#) [BLOG](#) [MEETINGS](#) [DESTINATIONS](#)
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VINYL

SMALL VENUE, BIG TALENT.

Stop by our box office with your Nevada ID for **NO SERVICE FEES** on all Vinyl Shows!

Vinyl Photos

(Click to see larger photos)


[See more images](#)

Events



Mac Sabbath w/ The Quitters,
Strange Mistress
Vinyl | 8:00 P.M. | Ages 6+
October 30, 2015 at



RVLTN presents CIRCUIT: 4B w/
Dirty Lazrs, Laissez Faire, Trel
Vinyl | 9:00 P.M. | Must be 18+
with valid ID
November 05, 2015 at

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SOULFLY - We Sold Our Souls To
Metal Tour Plus special guests
Crowbar, Shattered Sun, Incite
Vinyl | 7:00 P.M. | Ages 6+
November 06, 2015 at

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Smash Magazine presents: Viva
Ska Vegas 2015 With Hub City
Stompers, Voodoo Glow Skulls, The
Interrupters, Buck-O-Nine, Left
Alone, Oceanside Sound System,
The A-OK's, Two Tone Lizard Kings
Vinyl | 5:00 P.M. | Ages 6+
November 07, 2015 at

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Misfits
STATIC AGE TOUR WITH SHE
DEMONS | VINYL | 7:00 P.M. |
Ages 6+
November 11, 2015 at

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[ALL EVENTS AT VINYL](#)

Meetings & Private Events

Specials



Vinyl Las Vegas on Instagram

Box Office Hours

10:00 am to 8:00 pm Daily
Closed the 15th of each month from 1pm to 2pm
Tel: 702.693.5000 ext. 6914

Contact

4455 Paradise Road
Las Vegas, NV 89169
Box Office: 702.693.5000 ext 6914
Send us an email: vinyl@hrhvegas.com

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Friday Oct 30, 2015


Mac Sabbath w/ The Quitters, Strange Mistress
 VINYL | 8:00 P.M. | AGES 6+

[NO COVER](#)
[See Event Details](#)
[Vinyl](#)

Thursday Nov 05, 2015


RVLTN presents CIRCUIT: 4B w/ Dirty Lazrs, Laissez Faire, Trel
 VINYL | 9:00 P.M. | MUST BE 18+ WITH VALID ID

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[Vinyl](#)

Friday Nov 06, 2015


SOULFLY - We Sold Our Souls To Metal Tour
 Plus special guests Crowbar, Shattered Sun, Incite
 VINYL | 7:00 P.M. | AGES 6+

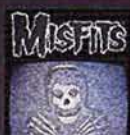
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Saturday Nov 07, 2015


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Smash Magazine presents: Viva Ska Vegas
 2015 With Hub City Stompers, Voodoo Glow
 Skulls, The Interrupters, Buck-O-Nine, Left Alone,
 Oceanside Sound System, The A-Ok's, Two
 Tone Lizard Kings
 VINYL | 5:00 P.M. | AGES 6+

Wednesday Nov 11, 2015



Misfits
 STATIC AGE TOUR WITH SHE DEMONS | VINYL | 7:00 P.M. | AGES 6+
[Visit Official Website](#)

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[Vinyl](#)

Thursday Nov 12, 2015



Smash Magazine presents: Escape The Fate
 with A Skylit Drive, Sworn In, Sirens and Sailors
 & Myka Relocate
 VINYL | 6:30 P.M. | AGES 6+

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[Vinyl](#)

Friday Nov 13, 2015



Las Vegas Jam Band Society Presents: Spafford
 VINYL | 8:00 P.M. | AGES 6+

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[Vinyl](#)

Saturday Nov 14, 2015



The Struts with special guest Andrew Watt
 VINYL | 9:00 P.M. | AGES 6+

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[See Event Details](#)
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Gabe Lopez Presents THE MIDNIGHT DIRTY
 VINYL | 12:00 A.M. | 18+ WITH VALID ID | NO COVER

[NO COVER](#)
[See Event Details](#)
[Vinyl](#)

Monday Nov 16, 2015



Mondays Dark with Mark Shunock
 VINYL | 9:30 PM | ALL AGES

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[Vinyl](#)

[Visit Official Website](#)

Wednesday Nov 18, 2015



Smash Magazine presents: The Story So Far with Basement & Turnover

VINYL | 7:00 P.M. | AGES 6+

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[Vinyl](#)

Thursday Nov 19, 2015

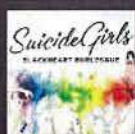


Smash Magazine presents: blessthefall with Stick To Your Guns, Emarosa & Oceans Ate Alaska

VINYL | 7:00 P.M. | AGES 6+

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[Vinyl](#)

Friday Nov 20, 2015



Suicide Girls: Blackheart Burlesque

VINYL | 8:00 P.M. | MUST BE 18+ WITH VALID ID

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[Vinyl](#)

Saturday Nov 21, 2015



Conflict of Interest with Special Guests

VINYL | 7:00 P.M. | AGES 6+

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[Vinyl](#)

Wednesday Nov 25, 2015



Smash Magazine presents: All That Remains w/ Devour the Day, Audiotopsy, Sons of Texas

VINYL | 6:30 P.M. | AGES 6+

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EXHIBIT B



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VINYL

Word Mark

VINYL

Goods and Services

IC 035. US 100 101 102. G & S: Promoting, marketing, and advertising live musical performances and theatrical performances of others. FIRST USE: 20120824. FIRST USE IN COMMERCE: 20120824

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86473371

Filing Date December 6, 2014

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) HRHH IP, LLC LIMITED LIABILITY COMPANY DELAWARE Three World Financial Center 200 Vesey Street, 11th Floor New York NEW YORK 102811021

Attorney of Record Jill M. Pietrini

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Mark: VINYL

VINYL

US Serial Number: 86473371

Application Filing Date: Dec. 06, 2014

Register: Principal

Mark Type: Service Mark

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Oct. 19, 2015

Mark Information

Mark Literal Elements: VINYL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Promoting, marketing, and advertising live musical performances and theatrical performances of others

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 24, 2012

Use in Commerce: Aug. 24, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: HRHH IP, LLC

Owner Address: Three World Financial Center
200 Vesey Street, 11th Floor
New York, NEW YORK 102811021
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jill M. Pietrini

Docket Number: 33AF-172526

Correspondent

Correspondent Name/Address: JILL M. PIETRINI
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 AVENUE OF THE STARS STE 1600
LOS ANGELES, CALIFORNIA 90067-6055
UNITED STATES

Phone: (310) 228-3700

Fax: (310) 228-3701

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 19, 2015	FINAL REFUSAL MAILED	
Oct. 19, 2015	FINAL REFUSAL WRITTEN	76635
Sep. 15, 2015	AMENDMENT FROM APPLICANT ENTERED	70468
Sep. 15, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	70468
Sep. 08, 2015	ASSIGNED TO LIE	70468
Aug. 21, 2015	PAPER RECEIVED	
Feb. 19, 2015	NON-FINAL ACTION MAILED	
Feb. 19, 2015	NON-FINAL ACTION WRITTEN	76635
Feb. 05, 2015	ASSIGNED TO EXAMINER	76635
Dec. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 10, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: COLEMAN, CIMMERIAN

TM Staff Information

Law Office Assigned: LAW OFFICE 102

File Location

Current Location: TMEG LAW OFFICE 102 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Oct. 19, 2015



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VINYL

Word Mark VINYL**Goods and Services**

IC 041. US 100 101 107. G & S: Arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests; nightclub services. FIRST USE: 20120824. FIRST USE IN COMMERCE: 20120824

Standard Characters Claimed**Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 86473372**Filing Date** December 6, 2014**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** November 24, 2015**Owner** (APPLICANT) HRHH IP, LLC LIMITED LIABILITY COMPANY DELAWARE Three World Financial Center 200 Vesey Street, 11th Floor New York NEW YORK 102811021**Attorney of Record** Jill M. Pietrini**Type of Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE

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Mark: VINYL

VINYL

US Serial Number: 86473372

Application Filing Date: Dec. 06, 2014

Register: Principal

Mark Type: Service Mark

Status: Review prior to publication completed.

Status Date: Oct. 19, 2015

Publication Date: Nov. 24, 2015

Mark Information

Mark Literal Elements: VINYL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests; nightclub services

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 24, 2012

Use in Commerce: Aug. 24, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: HRHH IP, LLC

Owner Address: Three World Financial Center
200 Vesey Street, 11th Floor
New York, NEW YORK UNITED STATES 102811021

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jill M. Pietrini

Docket Number: 33AF-172526

Correspondent

Correspondent JILL M. PIETRINI
Name/Address: SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 AVENUE OF THE STARS STE 1600
LOS ANGELES, CALIFORNIA UNITED STATES 90067-6055

Phone: (310) 228-3700

Fax: (310) 228-3701

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 19, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Oct. 18, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 15, 2015	AMENDMENT FROM APPLICANT ENTERED	70468
Sep. 15, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	70468
Sep. 08, 2015	ASSIGNED TO LIE	70468
Aug. 21, 2015	PAPER RECEIVED	
Feb. 20, 2015	NON-FINAL ACTION MAILED	
Feb. 20, 2015	NON-FINAL ACTION WRITTEN	76635
Feb. 05, 2015	ASSIGNED TO EXAMINER	76635
Dec. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 10, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: COLEMAN, CIMMERIAN

TM Staff Information

Law Office Assigned: LAW OFFICE 102

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 19, 2015



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VINYL

Word Mark

VINYL

Goods and Services

IC 043. US 100 101. G & S: Bar services; restaurant services; providing general purpose facilities for concerts, comedy shows, expositions, and other events and functions. FIRST USE: 20120824. FIRST USE IN COMMERCE: 20120824

Standard Characters Claimed

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

86473373

Filing Date

December 6, 2014

Current Basis

1A

Original Filing Basis

1A

Owner

(APPLICANT) HRHH IP, LLC LIMITED LIABILITY COMPANY DELAWARE Three World Financial Center 200 Vesey Street, 11th Floor New York NEW YORK 102811021

Attorney of Record

Jill M. Pietrini

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

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Mark: VINYL

VINYL

US Serial Number: 86473373

Application Filing Date: Dec. 06, 2014

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Oct. 19, 2015

Mark Information

Mark Literal Elements: VINYL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *,* identify additional (new) wording in the goods/services.

For: Bar services; restaurant services; providing general purpose facilities for concerts, comedy shows, expositions, and other events and functions

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 24, 2012

Use in Commerce: Aug. 24, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: HRHH IP, LLC

Owner Address: Three World Financial Center
200 Vesey Street, 11th Floor
New York, NEW YORK 102811021
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where
Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jill M. Pietrini

Docket Number: 33AF-172526

Correspondent

Correspondent JILL M. PIETRINI
Name/Address: SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 AVENUE OF THE STARS STE 1600
LOS ANGELES, CALIFORNIA 90067-6055
UNITED STATES

Phone: (310) 228-3700

Fax: (310) 228-3701

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 19, 2015	NON-FINAL ACTION MAILED	
Oct. 16, 2015	NON-FINAL ACTION WRITTEN	76635
Sep. 16, 2015	AMENDMENT FROM APPLICANT ENTERED	77976
Sep. 16, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	77976
Sep. 10, 2015	ASSIGNED TO LIE	77976
Aug. 24, 2015	PAPER RECEIVED	
Feb. 20, 2015	NON-FINAL ACTION MAILED	
Feb. 19, 2015	NON-FINAL ACTION WRITTEN	76635
Feb. 05, 2015	ASSIGNED TO EXAMINER	76635
Dec. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 10, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: COLEMAN, CIMMERIAN

Current Location: TMEG LAW OFFICE 102

TM Staff Information

Law Office Assigned: LAW OFFICE 102

File Location

Date in Location: Oct. 19, 2015


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Word Mark	VINYL LAS VEGAS
Goods and Services	IC 035. US 100 101 102. G & S: Promoting, marketing, and advertising live musical performances and theatrical performances of others. FIRST USE: 20120824. FIRST USE IN COMMERCE: 20120824
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.21 - Circles that are totally or partially shaded.
Serial Number	86473374
Filing Date	December 6, 2014
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	November 10, 2015
Owner	(APPLICANT) HRHH IP, LLC LIMITED LIABILITY COMPANY DELAWARE 200 Vesey Street, 11th Floor Three World Financial Center New York NEW YORK 102811021
Attorney of Record	Jill M. Pietrini
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LAS VEGAS" APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of "VINYL LAS VEGAS" within the shape of a circle.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Mark: VINYL LAS VEGAS



US Serial Number: 86473374

Application Filing Date: Dec. 06, 2014

Register: Principal

Mark Type: Service Mark

Status: Review prior to publication completed.

Status Date: Oct. 05, 2015

Publication Date: Nov. 10, 2015

Mark Information

Mark Literal Elements: VINYL LAS VEGAS

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of "VINYL LAS VEGAS" within the shape of a circle.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "LAS VEGAS"

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Promoting, marketing, and advertising live musical performances and theatrical performances of others

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 24, 2012

Use in Commerce: Aug. 24, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: HRHH IP, LLC

Owner Address: 200 Vesey Street, 11th Floor
Three World Financial Center
New York, NEW YORK 102811021
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney Name: Jill M. Pietrini
Attorney of Record
Docket Number: 33AF-172526
Correspondent
Correspondent Name/Address: JILL M. PIETRINI
SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 AVENUE OF THE STARS STE 1600
LOS ANGELES, CALIFORNIA 90067-6055
UNITED STATES
Phone: (310) 228-3700
Fax: (310) 228-3701

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 21, 2015	NOTICE OF PUBLICATION	
Oct. 05, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Oct. 05, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 10, 2015	AMENDMENT FROM APPLICANT ENTERED	69712
Sep. 10, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Sep. 03, 2015	ASSIGNED TO LIE	69712
Aug. 20, 2015	PAPER RECEIVED	
Feb. 19, 2015	NON-FINAL ACTION MAILED	
Feb. 19, 2015	NON-FINAL ACTION WRITTEN	76635
Feb. 05, 2015	ASSIGNED TO EXAMINER	76635
Dec. 13, 2014	NOTICE OF DESIGN SEARCH CODE MAILED	
Dec. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 10, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: COLEMAN, CIMMERIAN
TM Staff Information
Law Office Assigned: LAW OFFICE 102
File Location
Current Location: PUBLICATION AND ISSUE SECTION
Date in Location: Oct. 05, 2015



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Word Mark VINYL LAS VEGAS

Goods and Services IC 041. US 100 101 107. G & S: Arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests; nightclub services. FIRST USE: 20120824. FIRST USE IN COMMERCE: 20120824

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.01.21 - Circles that are totally or partially shaded.

Serial Number 86473375

Filing Date December 6, 2014

Current Basis 1A

Original Filing Basis 1A

Published for Opposition November 24, 2015

Owner (APPLICANT) HRHH IP, LLC LIMITED LIABILITY COMPANY DELAWARE Three World Financial Center 200 Vesey Street, 11th Floor New York NEW YORK 102811021

Attorney of Record Jill M. Pietrini

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LAS VEGAS" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark. The mark consists of "VINYL LAS VEGAS" within the shape of a circle.

Type of Mark SERVICE MARK

Register PRINCIPAL
Live/Dead
Indicator LIVE

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Mark: VINYL LAS VEGAS



US Serial Number: 86473375

Application Filing Date: Dec. 06, 2014

Register: Principal

Mark Type: Service Mark

Status: Review prior to publication completed.

Status Date: Oct. 19, 2015

Publication Date: Nov. 24, 2015

Mark Information

Mark Literal Elements: VINYL LAS VEGAS

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of "VINYL LAS VEGAS" within the shape of a circle.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "LAS VEGAS"

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Arranging and conducting of concerts; concert booking; entertainment services, namely, live musical performances, comedy performances, and theatrical performances; provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events; entertainment services, namely, conducting contests; nightclub services

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 24, 2012

Use in Commerce: Aug. 24, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: HRHH IP, LLC

Owner Address: Three World Financial Center
200 Vesey Street, 11th Floor
New York, NEW YORK UNITED STATES 102811021

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney Name: Jill M. Pietrini
Attorney of Record
Docket Number: 33AF-172526
Correspondent
Correspondent JILL M. PIETRINI
Name/Address: SHEPPARD MULLIN RICHTER & HAMPTON LLP
1901 AVENUE OF THE STARS, SUITE 1600
LOS ANGELES, CALIFORNIA UNITED STATES 90067
Phone: (310) 228-3700
Fax: (310) 228-3701

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 19, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Oct. 18, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 15, 2015	AMENDMENT FROM APPLICANT ENTERED	70468
Sep. 15, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	70468
Sep. 08, 2015	ASSIGNED TO LIE	70468
Aug. 21, 2015	PAPER RECEIVED	
Feb. 20, 2015	NON-FINAL ACTION MAILED	
Feb. 20, 2015	NON-FINAL ACTION WRITTEN	76635
Feb. 06, 2015	ASSIGNED TO EXAMINER	76635
Dec. 13, 2014	NOTICE OF DESIGN SEARCH CODE MAILED	
Dec. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 10, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: COLEMAN, CIMMERIAN
TM Staff Information
Law Office Assigned: LAW OFFICE 102
File Location
Current Location: PUBLICATION AND ISSUE SECTION
Date in Location: Oct. 19, 2015


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Word Mark	VINYL LAS VEGAS
Goods and Services	IC 043. US 100 101. G & S: Bar services; restaurant services; providing general purpose facilities for concerts, comedy shows, expositions, and other events and functions. FIRST USE: 20120824. FIRST USE IN COMMERCE: 20120824
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.21 - Circles that are totally or partially shaded.
Serial Number	86473376
Filing Date	December 6, 2014
Current Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) HRHH IP, LLC LIMITED LIABILITY COMPANY DELAWARE Three World Financial Center 200 Vesey Street, 11th Floor New York NEW YORK 102811021
Attorney of Record	Jill M. Pietrini
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LAS VEGAS" APART FROM THE MARK AS SHOWN
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of "VINYL LAS VEGAS" within the shape of a circle.
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Mark: VINYL LAS VEGAS



US Serial Number: 86473376

Application Filing Date: Dec. 06, 2014

Register: Principal

Mark Type: Service Mark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Oct. 19, 2015

Mark Information

Mark Literal Elements: VINYL LAS VEGAS

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of "VINYL LAS VEGAS" within the shape of a circle.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "LAS VEGAS"

Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Bar services; restaurant services; providing general purpose facilities for concerts, comedy shows, expositions, and other events and functions

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 24, 2012

Use in Commerce: Aug. 24, 2012

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: HRHH IP, LLC

Owner Address: Three World Financial Center
200 Vesey Street, 11th Floor
New York, NEW YORK UNITED STATES 102811021

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney Name: Jill M. Pietrini
Attorney of Record
Docket Number: 33AF-172526
Correspondent
Correspondent Name/Address: JILL M. PIETRINI
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Fax: (310) 228-3701
Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 19, 2015	NON-FINAL ACTION MAILED	
Oct. 16, 2015	NON-FINAL ACTION WRITTEN	76635
Oct. 15, 2015	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Oct. 15, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 16, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	77976
Sep. 16, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	77976
Sep. 10, 2015	ASSIGNED TO LIE	77976
Aug. 24, 2015	PAPER RECEIVED	
Feb. 20, 2015	NON-FINAL ACTION MAILED	
Feb. 19, 2015	NON-FINAL ACTION WRITTEN	76635
Feb. 06, 2015	ASSIGNED TO EXAMINER	76635
Dec. 13, 2014	NOTICE OF DESIGN SEARCH CODE MAILED	
Dec. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 10, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Attorney: COLEMAN, CIMMERIAN
TM Staff Information
Law Office Assigned: LAW OFFICE 102
File Location
Current Location: TMEG LAW OFFICE 102
Date in Location: Oct. 19, 2015